

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

IN RE:)
)
J.T.'s Heating Oil, Inc.,) Chapter 7
) Case No. 14-41126-MSH
)
Debtor)
)
_____)

MOTION FOR ORDER AUTHORIZING AND APPROVING
PUBLIC SALE OF ESTATE ASSETS

To the Honorable Melvin S. Hoffman, Bankruptcy Judge:

Now comes John A. Burdick, Jr. the duly qualified and acting Trustee of the above-captioned Debtor and hereby moves, pursuant to Rule 6004 of the Bankruptcy Rules of Procedure and Local Rule 6004-1, for an order of this Court authorizing the Trustee to conduct an absolute public sale of the Debtors' assets, more specifically consisting of the following (hereinafter referred to as "the Assets"):

- a. 1987 International S Series 1954 oil delivery truck;
- b. 1981 International S Series 1954 oil delivery truck;
- c. 1988 International S Series 1954 oil delivery truck;
- d. 1998 Ford F700 oil delivery truck;
- e. 1994 Pontiac Grand Am SE;
- f. 1996 Ford Econoline Van Super E350;
- g. 1981 International 9670 Cabover Tractor;
- h. 1985 International Cab;
- i. Office equipment consisting of but not limited to chairs, file cabinets, and desks with upper storage;
- j. 2010 US General Tool Box system consisting of but not limited to lower wheeled boxes, upper boxes, center 7-drawer box and right side cabinet, and
- k. Miscellaneous inventory.

The sale will be free and clear of all liens and encumbrances pursuant to Section 363(b) and (f) of the Bankruptcy Code. Further, the Trustee seeks authority to conduct the sale pursuant to the proposed format set forth in the Notice of Intended Public Sale of Estate Assets (hereinafter "Notice") filed herewith.

In support of his Motion the Trustee states as follows:

1. The Trustee seeks to liquidate the Assets at public sale currently scheduled for December 2, 2014 at 12 Flint Road, Charlton, MA.
2. In order to generate an active bidding environment the Trustee seeks to conduct the sale as an absolute sale without the necessity of further Court action to confirm or approve the sale.
3. The Trustee seeks authority to sell the Assets free and clear of any and all liens and/or encumbrances pursuant to 11 U.S.C. Section 363(b) and (f), with any liens and/or encumbrances attaching to the proceeds of the sale, subject to any expenses of sale incurred by the estate and approved pursuant to 11 U.S.C. Section 506(c), to the extent that any such liens and/or encumbrances may ultimately prove to be valid and enforceable against the Trustee.
4. The Trustee believes that approval of the sale, as proposed, is in the best interest of the estate and it's creditors in that the proposed method of sale will generate the most interest in the Assets and ultimately, will result in a greater return to the estate than other means of liquidating the Assets.
5. The Notice will be served on all creditors and parties in interest as may be ordered by the Court once the Court provides the appropriate information in said Notice.

WHEREFORE, the Trustee seeks an order of this Court:

1. Authorizing the Trustee to conduct an absolute public sale of the Assets free and clear of all liens and encumbrances pursuant to 11 U.S.C. Section 363(b) and (f), with any and all liens attaching to the proceeds of the sale, subject to any expenses of sale incurred by the estate and approved pursuant to 11 U.S.C. Section 506(c), to the extent that any such liens or encumbrances are ultimately provided to be valid and enforceable against the Trustee.
2. Authorizing the sale to be conducted pursuant to the format set forth in the Notice.
3. Granting such other and further relief as is just.

John A. Burdick, Jr.
Chapter 7 Trustee
By His Attorney

/s/ John A. Burdick, Jr.
John A. Burdick, Jr. (bbo#547650)
679 Pleasant Street
Paxton, Massachusetts 01612
(508) 752-4633
jburdicklaw@yahoo.com
October 30, 2014

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

IN RE:)
) Chapter 7
J.T.'s Heating Oil, Inc.,) Case No. 14-41126-MSH
)
Debtor)
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NOTICE OF INTENDED PUBLIC SALE OF ESTATE ASSETS

To Creditors and Parties in Interest:

Notice is hereby given, pursuant to 11 U.S.C. §363, Fed. R. Bankr. P. 2002(a)(2) and 6004, and MLBR Rule 2002-5 and 6004-1, that the Trustee, John A. Burdick, Jr., intends to sell at public sale the Trustee's right, title and interest in certain property of the estate, more specifically consisting of the following (hereinafter referred to as "the Assets"):

- a. 1987 International S Series 1954 oil delivery truck;
- b. 1981 International S Series 1954 oil delivery truck;
- c. 1988 International S Series 1954 oil delivery truck;
- d. 1998 Ford F700 oil delivery truck;
- e. 1994 Pontiac Grand Am SE;
- f. 1996 Ford Econoline Van Super E350;
- g. 1981 International 9670 Cabover Tractor;
- h. 1985 International Cab;
- i. Office equipment consisting of but not limited to chairs, file cabinets, and desks with upper storage;
- j. 2010 US General Tool Box system consisting of but not limited to lower wheeled boxes, upper boxes, center 7-drawer box and right side cabinet, and
- k. Miscellaneous inventory.

The sale will be conducted by Aaron Posnik & Co., Inc. on December 2, 2014 at 11:00 a.m.. The sale will take place at 12 Flint Road, Charlton, MA. The proposed sale procedures are more particularly described in the Trustee's Motion for Order Authorizing and Approving Public Sale of Estate Assets (the "Motion to Approve Sale").

The Assets will be sold free and clear of all liens, claims and encumbrances, with such valid liens, claims and encumbrances, if any, attaching to the net proceeds of the sale to the same extent and in the same order of priority as such liens, claims and encumbrances attached to the Assets.

Any objections to the sale shall be filed in writing with the Clerk's Office, United States Bankruptcy Court, Donohue Federal Building, 595 Main Street, Room 211, Worcester, Massachusetts 01608-2076 on or before _____ at 4:30 PM (the "Objection Deadline"). A copy of the objection must also be served upon the Trustee.

A hearing is scheduled to take place on _____ at _____ am/pm before the Honorable Melvin S. Hoffman, United States Bankruptcy Judge, Courtroom 3, 595 Main Street, Worcester, Massachusetts. If no objection to the sale are timely filed, the Bankruptcy Court, in its discretion, may cancel the scheduled hearing and grant the Motion.

John A. Burdick, Jr., Chapter 7 Trustee
By His Attorney

/s/ John A. Burdick, Jr.
John A. Burdick, Jr. (bbo#547650)
Post Office Box 101
Paxton, Massachusetts 01612
(508) 752-4633
jburdicklaw@yahoo.com
October 30, 2014

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

IN RE:)
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J.T.'s Heating Oil, Inc.,) Chapter 7
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Debtor)
_____)

ORDER

At Worcester in said District this _____ day of _____, 2014;

This matter having come before me upon the Motion of John A. Burdick, Jr.,

Trustee seeking authority to sell the Debtor's assets, said assets consisting of:

- a. 1987 International S Series 1954 oil delivery truck;
- b. 1981 International S Series 1954 oil delivery truck;
- c. 1988 International S Series 1954 oil delivery truck;
- d. 1998 Ford F700 oil delivery truck;
- e. 1994 Pontiac Grand Am SE;
- f. 1996 Ford Econoline Van Super E350;
- g. 1981 International 9670 Cabover Tractor;
- h. 1985 International Cab;
- i. Office equipment consisting of but not limited to chairs, file cabinets, and desks with upper storage;
- j. 2010 US General Tool Box system consisting of but not limited to lower wheeled boxes, upper boxes, center 7-drawer box and right side cabinet, and
- k. Miscellaneous inventory.

(hereinafter "the Assets") free and clear of all liens and encumbrances pursuant to

Sections 363(b) and (f) of the Bankruptcy Code, and further seeking authority to conduct the proposed sale pursuant to the format set forth in the Notice of Intended Sale filed with

the Trustee's Motion, Notice of the sale having been duly served pursuant to Rule 2002 of the Bankruptcy Rules of Procedure and good cause appearing therefore, it is hereby

ORDERED:

In accordance with the terms of the Trustee's Notice of Intended Sale filed herewith the Trustee is authorized to sell the Assets at a Public Auction on December 2, 2014, it is further

ORDERED:

The sale of the Assets shall be free and clear of any and all liens and encumbrances pursuant to 11 U.S.C. Section 363(b) and (f), with any and all liens attaching to the proceeds of the sale, subject to any expenses of sale incurred by the estate and approved pursuant to 11 U.S.C. Section 506(c), to the extent that any such liens or encumbrances are ultimately proved to be valid and enforceable against the Trustee, it is further

ORDERED:

If the sale is not completed by the Buyer, the Court, without further hearing, may approve the sale of the Assets to the next highest bidder, it is further

ORDERED:

The sale of the Assets has been conducted in good faith in accordance with 11 U.S.C. 363(m), it is further

ORDERED:

The Trustee is authorized to execute any and all documents necessary to effectuate the transfer of the Assets.

Dated:

Melvin S. Hoffman
Bankruptcy Judge

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DISTRICT OF MASSACHUSETTS

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CERTIFICATE OF SERVICE

I, John A. Burdick, Jr., Esquire, hereby certify that on the 31st day of October, 2014, I forwarded a copy of the Motion for Order Authorizing and Approving Public Sale of Estate Assets and Notice of Intended Public Sale of Estate Assets by mailing first class, postage prepaid to the attached list of creditors and by ECF Notification to the following:

- Richard King USTPRegion01.WO.ECF@USDOJ.GOV
- Troy D. Morrison tmorrison@morrisonlawpc.net,
morrisonlawpc@gmail.com;egoebel@morrisonlawpc.net
- David M. Nickless dnickless.nandp@verizon.net,
dnickless@ecf.epiqsystems.com
- Tani E. Sapirstein tani@sandslaw.com

/s/ John A. Burdick, Jr.
John A. Burdick, Jr., Esquire
(BBO#547650)

List of Creditors

Acadia Insurance
290 Donald Lynch Blvd., #3
Marlborough, MA 01752

Anne Haran
183 N. Sturbridge Road
Charlton, MA 01507

Barbara Benoit
22 Willard Road
Sturbridge, MA 01566

Bernadeta Rogalska
24 First Street, Apt. #3
Webster, MA 01570

Bob and Amy Andreola
29 Brookside Avenue
Webster, MA 01570

Brian Gunderman
Post Office Box 642
Oxford, MA 01540

Brian L. LaPlante
12 Flint Road
Charlton, MA 01507

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Capital One Bank USA
Post Office Box 30281
Salt Lake City, UT 84130

Charles Maclean
1 Stonybrook Road
Charlton, MA 01507

Consumer Assistance Office
209 West Central Street, Ste. 311
Natick, MA 01760

Country Bank For Savings
75 Main St
Ware, MA 01082

Dan Stevens
50 Haggerty Road
Charlton, MA 01507

Daniel and Jessica Kennedy
130 Rice Corner Road
Brookfield, MA 01506

Darlene Lieske
14 Tobin Drive
Dudley, MA 01571

David and Colette Roche
11 Summit Avenue
Fiskdale, MA 01518

Donald & Linda Clayton
290 North Sturbridge Road
Charlton, MA 01507-1713

Donald and Deborah Stone
26 Church Street
Oxford, MA 01540

Donald and Kathy Smith
4 Campbell Street
Webster, MA 01570

Donald and Linda Clayton
290 North Sturbridge Road
Charlton, MA 01507

Donna Belanger
Post Office Box 383
Webster, MA 01570

Gayle Longtin
16 Carey Lane
Oxford, MA 01540

Gwen Trudeau
102 Vista Lane
Sturbridge, MA 01566

Heather O'Henry
20 Five Bridge Road/Right
Brimfield, MA 01010

Jacqueline Castonguay
c/o Amber Harmon
800 Lakeside Circle, Apt. 1017
Lewisville, TX 75057

Janet Hayward Rogers
20 Bates Hill
Fiskdale, MA 01518

Janice O'Neill
306 Long Hill road
West Brookfield, MA 01585

Jason Hehlo
5 Laurelwood Drive
North Oxford, MA 01537

Jeana Kenney
229 West Main Street
Dudley, MA 01571

Kathleen Facteau
7 First Street
Sturbridge, MA 01566

Ken and Nancy Pecore
54 Gould Road
Charlton, MA 01507

Kim Toto
149 Elm Street, 1st Floor
Southbridge, MA 01550

L.E. Belcher
615 St. James Avenue
Springfield, MA 01109

Linda and John Sutliff
9 Quaboug Avenue, 2nd Floor
Oxford, MA 01540

Lisa Gaudette
84 Osgood Road
Charlton, MA 01507

Majke and Scott Ellis
86 Hilltop Drive
Southbridge, MA 01550

Malia Moriarty
300 North Woodstock Road
Southbridge, MA 01550

Mathieu Leone
4 Linda Vista Lane
Dudley, MA 01571

Natalie Blouin
15 Marshall Terrace
Dudley, MA 01571

Nitza Sanchez
84 Cross Street
Southbridge, MA 01550

Olga amd Carmelo Maldonado
39 Idlewood Street
Southbridge, MA 01550

Patricia Berard
10 Warren Road
Fiskdale, MA 01518

Peggy Beaupre
233 Park Circle
Sturbridge, MA 01566

Regina Paradise
164 Lashaway Drive
East Brookfield, MA 01515

Robert Allard
76 Stallion Hill Road
Sturbridge, MA 01566

Robert Dixon
394 Main Street
Oxford, MA 01540

Russell Daniel
177 Juniper Avenue
Sturbridge, MA 01566

Scott Poplawski
306 School Street
Webster, MA 01570

Scott R Poplawski
306 School St
Webster, MA 01570

Seamus O'Henry
20 Five Bridge Road/Left
Brimfield, MA 01010

Supermedia
Post Office Box 619810
Dallas, TX 75261

Verizon
PO Box 1100
Albany, NY 12250

Verizon Wireless
20 Alexander Drive
PO Box 5029
Wallingford, CT 06492

Wendi George
7 Tanglewood Road
Leicester, MA 01524